

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE, KOLKATA**

**I.A. NO. \_\_\_\_\_ OF 2025**  
**IN**  
**APPEAL NO. 3 OF 2025**

**IN THE MATTER OF:**

RAS MOHAN THAKUR

...APPELLANT

VERSUS

STATE EXPERT APPRAISAL  
COMMITTEE (SEAC), BIHAR & ORS

...RESPONDENTS

**INDEX**

<b>S. No.</b>	<b>Particulars</b>	<b>Page Nos.</b>
1.	Application on behalf of the appellant for interim relief with affidavit	<b>574-578</b>

Filed By:



**[SUMIT KUMAR SHARMA]**

ADVOCATE

COUNSELS FOR THE APPELLANT

10, 2<sup>nd</sup> Floor, Babar Lane, Bengali Market,

New Delhi-110001

M. No. 9560462030

Place: New Delhi

Filed on: 17.02.2025

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
EASTERN ZONE, KOLKATA**

**I.A. No. \_\_\_\_\_ of 2025**  
**IN**  
**APPEAL NO. 3 OF 2025**

**IN THE MATTER OF:**

RAS MOHAN THAKUR ...APPELLANT  
VERSUS

STATE EXPERT APPRAISAL  
COMMITTEE (SEAC), BIHAR & ORS  
...RESPONDENTS

**APPLICATION FOR INTERIM RELIEF WITH AFFIDAVIT**

**MOST RESPECTFULLY SHEWETH:**

1. That the present appeal is being filed under Section 16(h) of the National Green Tribunal Act, 2010, against the Common Environmental Clearance (EC) dated 17.01.2025 granted by the State Environment Impact Assessment Authority (SEIAA), Bihar, in favor of Respondent No. 6, Mr. Sandeep Chandak, in respect of three Sand Mining Project Units-II (Sand Blocks 3, 4, & 5) on the Cheer River, District Banka, Bihar, covering an area of 67 hectares.
2. That the impugned EC has been granted in an arbitrary, perfunctory, and capricious manner, demonstrating blatant favoritism and nepotism in favor of Respondent No. 6, who was not even represented during the meeting held on 03.08.2024. The grant of a common EC without application of mind violates the principles of environmental law and is liable to be quashed.

3. That the EIA Notification, 2006, does not contemplate the issuance of a common EC for multiple independent sand mining blocks. Each block, even if part of a cluster, requires a separate EC. The grant of a single EC for three distinct and independent sand blocks is entirely impermissible and illegal.
4. That the impugned EC has been granted in complete violation of the Enforcement & Monitoring Guidelines for Sand Mining (EMGSM), 2020, which mandates prior replenishment studies before the grant of EC. The Hon'ble NGT has consistently held in judgments such as Raj Kumar, Pramod, Junaid Ayubi, and Shokeen Ali that a replenishment study is a prerequisite for sand mining projects. The failure to conduct such a study renders the EC illegal and unsustainable in law.
5. That the entire process of granting EC is vitiated, as three distinct and independent sand blocks (Nos. 3, 4, & 5), which do not form a cluster, were processed under a single application (Form 1/IA), followed by a common Terms of Reference (TOR), a common public hearing, and a common Environmental Impact Assessment (EIA) study. This approach is impermissible under the EIA Notification, 2006, and thus grossly illegal.
6. That the conduct of SEIAA and SEAC Bihar demonstrates undue favoritism and nepotism towards Respondent No. 6. The SEAC, Bihar, appraised the three sand ghats positively despite the absence of Respondent No. 6 or his representative. This is in stark contrast to SEAC Bihar's usual practice, where cases

are deferred if the project proponent is absent to enable a proper presentation. This departure from standard practice indicates procedural impropriety.

7. That the SEIAA and SEAC failed to record any valid reasons or conduct a proper evaluation before granting the EC, as required under the EIA Notification, 2006. The Hon'ble Supreme Court, in BDA v. Sudhakar (2020) 15 SCC 63, has emphasized that administrative decisions must be based on reasoned analysis. The lack of such analysis renders the impugned EC arbitrary and legally unsustainable.
8. That permitting mining without a replenishment study will lead to illegal over-extraction, as there will be no scientific basis to determine the permissible quantity of sand extraction. The Ministry of Environment, Forest and Climate Change (MoEF&CC) guidelines of 2016 and 2020 state that only replenished sand can be mined. Excessive mining beyond the replenishment rate will cause severe adverse effects, including riverbed degradation, biodiversity loss, flood risks, and habitat destruction, thereby violating the principles laid down in Deepak Kumar's case.
9. That the Application is made bonafide and in the interest of the Riverine Environment.

**PRAYER**

In view of the above facts and circumstances and reasons stated above, it is humbly prayed that this Hon'ble Tribunal may be pleased to:

- a) stay the operation of the Common Environmental Clearance dated 17.01.2025 granted by SEIAA, Bihar, in favor of Respondent No. 6 for Sand Blocks 3, 4, and 5, during the pendency of the present appeal; and
- b) restrain the Respondent No. 6 from carrying out any mining activities in Sand Blocks 3, 4, and 5 until the final adjudication of this appeal; and
- c) Pass any other orders as the Hon'ble Tribunal may deem fit and proper in the facts and circumstances of the instant case.

**AND FOR THIS ACT OF KINDNESS THE  
APPELLANT AS IN DUTY BOUND SHALL EVER  
PRAY.**

Filed By:



**[SUMIT KUMAR SHARMA]**

ADVOCATE

COUNSELS FOR THE APPELLANT

10, 2<sup>nd</sup> Floor, Babar Lane, Bengali Market,

New Delhi-110001

M. No. 9560462030

Place: New Delhi

Filed on: 17.02.2025



578

SI No. 261  
Date 13/02/25



BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL, EASTERN ZONE, KOLKATA  
APPEAL NO. 3 OF 2025

IN THE MATTER OF:

RAS MOHAN THAKUR .....APPELLANT  
VERSUS  
STATE EXPERT APPRAISAL COMMITTEE (SEAC), BIHAR & ORS. ....RESPONDENTS

AFFIDAVIT

I, Ras Mohan Thakur, S/o Sh. Narendra Mohan Thakur, Resident of Village Panjwara, District Banka, Bihar-813110, do hereby solemnly affirm and declare as under:

1. That I am the appellant in the present appeal and I am well conversant with the facts and proceedings of the case and as such, I am competent to swear the present affidavit.

I say that the accompanying application for interim relief has been drafted by my Advocate under my instructions. I say that I have perused the application and state that the contents of the application are true and correct to the best of my knowledge and as per the legal advice rendered.



*Ras Mohan*  
DEPONENT

VERIFICATION:

Verified at Banka on this the 13<sup>th</sup> day of February, 2025 that the contents of the above affidavit are true to my knowledge and belief and nothing material has been concealed therefrom.

Snr/Smt. Ras Mohan Thakur  
who is/are identified by  
Shri/Smt. Subodh Kumar Mishra  
Advocate Banka Solemnly  
Affirmed declare before me

*Subodh Kumar Mishra*  
Advocate  
13.02.25  
*Rajendra Kumar Jha*  
Notary Public (Banka)  
Reg. No -367J/19

*Ras Mohan*  
DEPONENT